

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

**MARIIA BUTINA, also known as
MARIA BUTINA,**

Defendant.

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Criminal Case: 18-218 (TSC)

Joint Motion for Order of Judicial Removal

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and defendant Mariia Butina, also known as Maria Butina, through her counsel, Robert Driscoll and Alfred Carry, Esqs., respectfully request that the Court sign the attached proposed Order of Judicial Removal on the day it sentences the defendant.

In support of this motion, the parties rely on the attached documents, including the proposed order; notice of intent to request judicial removal; factual allegations in support of judicial removal; defendant's statement in support of judicial removal; and the concurrence of the Special Agent in Charge, Immigrations and Customs Enforcement.

WHEREFORE, for the foregoing reasons and those cited in the attachments, as well as any additional reasons as may be cited at a hearing on this motion, the parties request that the Court sign the attached proposed order on the day it sentences the defendant.

Respectfully submitted,

/s/ Robert N. Driscoll
Robert N. Driscoll (DC Bar No. 486451)

/s/ Alfred D. Carry
Alfred D. Carry (DC Bar No. 1011877)

McGlinchey Stafford PLLC
1275 Pennsylvania Avenue NW, Suite 420
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rdriscoll@mcglinchey.com
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Counsel for Defendant

JESSIE K. LIU
UNITED STATES ATTORNEY
D.C. Bar Number 472845

By: _____/s/_____
ERIK M. KENERSON
THOMAS N. SAUNDERS
Assistant United States Attorneys
Ohio Bar Number 82960 (Kenerson)
N.Y. Bar Number 4876975 (Saunders)
555 Fourth Street, N.W.
Washington, D.C. 20530
Telephone: 202-252-7201
Email: Erik.Kenerson@usdoj.gov

_____/s/_____
WILLIAM A. MACKIE
Trial Attorney, National Security Division
N.C. Bar Number 13816
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
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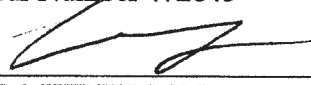
NOTICE OF INTENT TO REQUEST JUDICIAL REMOVAL

NOTICE IS HEREBY GIVEN TO Mariia Butina ("the defendant") and to her attorneys of record, Robert Driscoll and Alfred Carry, Esqs., that upon conviction of the defendant for a violation of Title 18 United States Code, Section 371, 951, the United States of America will request that the Court issue a Judicial Order of Removal against the defendant pursuant to Section 238(c) of the Immigration and Nationality Act of 1952, as amended, 8 U.S.C. § 1228(c).

Dated: March 28, 2019

Respectfully Submitted,

JESSIE K. LIU
UNITED STATES ATTORNEY
D.C. Bar Number 472845

By: 
ERIK M. KENERSON
THOMAS N. SAUNDERS
Assistant United States Attorneys
Ohio Bar Number 82960 (Kenerson)
N.Y. Bar Number 4876975 (Saunders)
555 Fourth Street, N.W.
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FACTUAL ALLEGATIONS IN SUPPORT OF JUDICIAL REMOVAL

NOTICE IS HEREBY GIVEN TO MARIIA BUTINA ("the defendant") and to her attorneys of record, Robert Driscoll and Alfred Carry, Esqs., that the United States of America alleges the following facts in support of the Notice of Intent to Request Judicial Removal:

1. The defendant is not a citizen or national of the United States.
2. The defendant is a native of the Union of Soviet Socialist Republics (Russian S.F.S.R), and citizen of the Russian Federation.
3. The defendant entered the United States on an F-1 student visa in August 2016.
4. At the time of sentencing in this case, the defendant will be convicted in the

United States District Court for the District of Columbia, of the following counts charged in the indictment: Count One: Conspiracy to Act as an Agent of a Foreign Government in violation of 18 U.S.C. §§ 371, 951. The maximum sentence for this offense is five years of imprisonment and/or a \$250,000 fine.

5. The defendant is, and at sentencing will be, subject to removal from the United States pursuant to Section 237(a)(4)(A)(ii) of the Immigration and Nationality Act of 1952


("INA"), as amended, 8 U.S.C. § 1227(a)(4)(A)(ii), as an alien who has engaged, is engaged, or at any time after admission engages in "any other criminal activity which endangers public safety or national security." *Id.*

WHEREFORE, pursuant to Section 238(c) of the INA, 8 U.S.C. § 1228(c), the United States of America requests that the Court, at the time of sentencing, order that the defendant be removed from the United States to Russia.

Dated: March 28, 2019

Respectfully Submitted,

JESSIE K. LIU
UNITED STATES ATTORNEY
D.C. Bar Number 472845

By: 
ERIK M. KENERSON
THOMAS N. SAUNDERS
Assistant United States Attorneys
Ohio Bar Number 82960 (Kenerson)
N.Y. Bar Number 4876975 (Saunders)
555 Fourth Street, N.W.
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DEFENDANT’S STATEMENT IN SUPPORT OF JUDICIAL REMOVAL

MARIIA BUTINA, defendant in the above-captioned criminal proceeding, hereby states as follows:

1. My true and correct name is Mariia Butina.
2. I received a Notice of Intent to Request Judicial Removal (“Notice”). I am the person identified in that document. I hereby waive my right, pursuant to Section 238(c)(2)(A) of the Immigration and Nationality Act of 1952, as amended (“INA”), 8 U.S.C. § 1228(c)(2)(A), to have the Notice served upon me prior to the commencement of the trial or entry of a guilty plea in this case.
3. I received the Factual Allegations in Support of Judicial Removal (“Allegations”). I hereby waive my right, pursuant to Section 238(c)(2)(B) of the INA, 8 U.S.C. § 1228(c)(2)(B), to have the allegations served 30 days prior to sentencing.
4. My rights in a judicial removal proceeding have been fully explained to me by my attorneys, Robert Driscoll and Alfred Carry, Esqs. After consultation with counsel and understanding the legal consequences of doing so, I knowingly and voluntarily waive the right to

the notice and hearing provided for in Section 238(c)(2) of the INA, 8 U.S.C. § 1228(c)(2), and further waive any and all rights to appeal, reopen, reconsider, or otherwise challenge this order. I understand the rights I would possess in a contested administrative proceeding and I waive these rights, including my right to examine the evidence against me, present evidence on my own behalf, and cross-examine witnesses presented by the United States. I understand these rights and waive further explanation by the Court.

5. I admit that all of the factual allegations set forth in the Allegations are true and correct as written.

6. For the reasons set forth in the Allegations, I concede that I am removable from the United States pursuant to Section 237(a)(4)(A)(ii) of the Immigration and Nationality Act of 1952 (“INA”), as amended, 8 U.S.C. § 1227(a)(4)(A)(ii), as an alien who has engaged, is engaged, or at any time after admission engages in “any other criminal activity which endangers public safety or national security.” *Id.*

7. I hereby waive any and all rights I may have to any and all forms of relief or protection from removal, deportation, or exclusion under the INA, as amended, and related federal regulations. These rights include, but are not limited to, the ability to apply for the following forms of relief or protection from removal: asylum; withholding of removal under Section 241(b)(3) of the INA, 8 U.S.C. § 1231(b)(3); any protection from removal pursuant to Article 3 of the United Nations Convention Against Torture, including withholding or deferral of removal under 8 C.F.R. §§ 208.16-17 and 1208.16-17, cancellation of removal; adjustment of status; registry; *de novo* review of a denial or revocation of temporary protected status (current or future); waivers under Sections 212(h) and 212(i) of the INA, 8 U.S.C. §§ 1182(h), 1182(i); visa petitions; consular

processing; voluntary departure or any other possible relief or protection from removal available under the Constitution, laws or treaty obligations of the United States.

8. I agree to the entry of a stipulated judicial order of removal pursuant to Section 238(c)(5) of the INA, 8 U.S.C. § 1228(c)(5). I acknowledge that I have not been persecuted in, and have no present fear of persecution in the Russian Federation, the country of my nativity and citizenship. I further acknowledge that I have not been tortured in, and have no present fear of torture in the Russian Federation, the country of my nativity and citizenship.

9. I consent to the introduction of this statement as an exhibit in the record of these judicial removal proceedings. I further agree to make the judicial order of removal a public document, waiving my privacy rights, including any privacy rights that might exist under 8 C.F.R. § 208.6.

10. I agree to assist U.S. Immigration and Customs Enforcement (“ICE”) in the execution of my removal. Specifically, I agree to assist ICE in the procurement of any travel, identity, or any other documents necessary for my removal; to meet with and to cooperate with representatives of any country to which I may by statute be removed if ICE so requests; and to execute any forms, applications, or waivers needed to execute or expedite my removal. I further understand that my failure or refusal to assist ICE in the execution of my removal may subject me to criminal penalties under Section 243 of the INA, 8 U.S.C. § 1253.

11. I concede that the entry of this judicial order of removal renders me inadmissible to the United States for a period of ten years. I agree that I will not enter, attempt to enter, or transit through the United States without first seeking and obtaining permission to do so from the Secretary of the Department of Homeland Security or other designated representative of the U.S.


government.

12. I will accept a written order issued by this Court for my removal from the United States to the Russian Federation, and I waive any and all rights to challenge any provision of this agreement in any U.S. or foreign court or tribunal.


3/28/19
Date


Mariia Butina

3/28/19
Date


Robert Driscoll, Esq.
Attorney for the Defendant

3/28/19
Date


Alfred Carry, Esq.
Attorney for the Defendant

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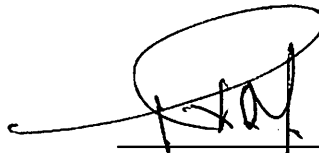
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**CONCURRENCE OF UNITED STATES
IMMIGRATION AND CUSTOMS ENFORCEMENT**

Based upon consideration of the applicable law and the defendant's statement, I hereby concur, on behalf of United States Immigration and Customs Enforcement, in the United States Attorney's request that a judicial order of removal be entered against the defendant.

Dated: Washington, D.C.
March 27, 2019



Raymond Villanueva
Special Agent in Charge
United States Immigration and
Customs Enforcement

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ORDER OF JUDICIAL REMOVAL

Upon the application of the United States of America, by Erik M. Kenerson and Thomas N. Saunders, Assistant United States Attorneys, District of Columbia; upon the Factual Allegations in Support of Judicial Removal; upon the consent of Mariia Butina (“the defendant”) and upon all prior proceedings and submissions in this matter, with full consideration having been given to the matters set forth herein, the Court finds:

1. The defendant is not a citizen or national of the United States.
2. The defendant is a native of the Union of Soviet Socialist Republics (Russian S.F.S.R.), and citizen of the Russian Federation.
3. The defendant entered the United States on an F-1 student visa in August 2016.
4. At the time of sentencing in this case, the defendant will be convicted in the United States District Court for the District of Columbia, of the following counts charged in the indictment: Count One: Conspiracy to Act as an Agent of a Foreign Government in violation of 18 U.S.C. §§ 371, 951. The maximum sentence for this offense is five years of imprisonment and/or a \$250,000 fine.

5. The defendant is, and at sentencing will be, subject to removal from the United States pursuant to Section 237(a)(4)(A)(ii) of the Immigration and Nationality Act of 1952 (“INA”), as amended, 8 U.S.C. § 1227(a)(4)(A)(ii), as an alien who has engaged, is engaged, or at any time after admission engages in “any other criminal activity which endangers public safety or national security.” *Id.*

7. The defendant has waived her right to notice and a hearing under Section 238(c) of the INA, 8 U.S.C. § 1228(c).

8. The defendant has waived the opportunity to pursue any and all forms of relief and protection from removal.

WHEREFORE, IT IS HEREBY ORDERED, pursuant to Section 238(c) of the INA, 8 U.S.C. § 1228(c), that the defendant is ordered removed from the United States to the Russian Federation promptly upon her sentencing.

Dated: _____

THE HONORABLE TANYA S. CHUTKAN
UNITED STATES DISTRICT JUDGE